IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Phillip Lamar West, Individually, and Karen Austin, Individually, and as Husband and Wife Plaintiffs, -versus- Sorin Group Deutschland GMBH and Sorin Group USA, Inc., Defendants.	)	Civil Action No.: 8:16-cv-02688-MGL **DEFENDANT SORIN GROUP USA, INC.'S RESPONSES TO LOCAL CIVIL RULE 26.01 INTERROGATORIES.**

Defendant Sorin Group USA, Inc. hereby responds to the Local Civil Rule 26.01 Interrogatories as follows:

(A) State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

RESPONSE:

None known.

(B) As to each claim, state whether it should be tried jury or nonjury and why.

RESPONSE:

Sorin Group USA, Inc. requests a jury trial on all claims.

(C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

RESPONSE:

Sorin Group USA, Inc. is not a publicly owned company. Sorin Group USA, Inc. is a wholly owned subsidiary of LivaNova PLC. LivaNova PLC is publicly traded on the

NASDAQ Global Market and London Stock Exchanges, and no publicly-held corporation owns 10% or more of LivaNova PLC's stock.

(D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

RESPONSE:

Based on the claims and the location of the alleged events in the Plaintiffs' Complaint, venue appears proper in the Anderson Division. However, there are a number of related actions (listed below), pending in the Greenville Division, where venue is also proper and for judicial economy, this complaint should be transferred there.

(E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases arise from the same or identical transactions, happenings or events; involve the identical parties or property; or for any other reason whole entail substantial duplication of labor if heard by different judges.

RESPONSE:

1. ***Lori Weinacker, individually and as the Personal Representative of the Estate of Henry Weinacker, deceased v. LivaNova PLC, Sorin Group Deutschland GMBH, and Sorin Group USA, Inc.*; Case No.: 6:16-cv-02286-BHH**

***Thomas Fowler and Rosann Fowler. v. LivaNova PLC, Sorin Group Deutschland GMBH, and Sorin Group USA, Inc.*; Case No.: 6:16-cv-02307-BHH**

***Ennis Bagwell and Vickie Bagwell, v. LivaNova PLC, Sorin Group Deutschland GMBH, and Sorin Group USA, Inc.*; Case No.: 6:16-cv-02307-BHH**

***Melvin Mattison, Individually and as the Personal Representative of the Estate of Ella Mae Mattison, deceased. BHH v. Sorin Group Deutschland GMBH, and Sorin Group USA, Inc.;* Case No.: 6:16-cv-03128-BHH**

***James Thomason and Kaye Thomason v. Sorin Group Deutschland GMBH, and Sorin Group USA, Inc.*; Case No.: 6:16-cv-03129-BHH**

***Felicia Johnson v. Sorin Group Deutschland GMBH, and Sorin Group USA, Inc.;* Case No.: 6:16-cv-03130-BHH**

***Tina DeYoung Smith, Individually and as the Personal Representative of the Estate of Marion DeYoung, deceased. v. Sorin Group Deutschland GMBH, and Sorin Group USA, Inc.*; Case No.: 6:16-cv-003131-BHH**

***Earl Gilstrap and Laura Gilstrap. v. Sorin Group Deutschland GMBH, and Sorin Group USA, Inc.*; Case No.: 6:16-cv-03132-BHH**

2. Each matter claims that Defendants negligently designed, manufactured and sold a defective medical device used in a Greenville Memorial Hospital operating room which exposed plaintiff to nontuberculous mycobacteria.

3. The *Weinacker, Fowler, and Bagwell* cases were filed on June 27, June 28 and June 28, 2016, respectively. The *Mattison*, *Thomason*, *Johnson*, *DeYoung*, and *Gilstrap* cases were served on September 27, 2016. The subject *West* Amended Complaint was served on September 28, 2016. Defendant Sorin Group USA, Inc. has answered the *Weinacker*, *Fowler*, *Bagwell*, and *West* cases and is preparing responsive pleadings to the remaining actions and will timely file them. The Honorable Bruce H. Hendricks consolidated the *Weinacker*, *Fowler*, and *Bagwell* cases for the purposes of pretrial discovery, and it is believed that the *Mattison*, *Thomason*, *Johnson*, *DeYoung*, and *Gilstrap* cases (all pending before Judge Hendricks) will also be consolidated for pretrial discovery.

(F) If the Defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

RESPONSE:

Defendant Sorin Group USA, Inc. is properly identified.

(G) If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person and describe the basis of said liability.

RESPONSE:

Presently unknown individuals and entities responsible for cleaning and disinfection of the subject product may be liable, in whole or in part, to parties to this action.

s/Susan P. McWilliams
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Columbia, South Carolina